

STARK & STARK

A Professional Corporation
Timothy P. Duggan, Esq (TD-3231)
993 Lenox Drive, Bldg. 2
Lawrenceville, NJ 08648-2389
(609) 896-9060
Attorneys for Farm Credit East, ACA

In the Matter of:

ANTHONY M. MORTELLITE, JR., and
COLLEEN MORTELLITE,

Debtors.

In the Matter of:

BLUES BROTHERS, LLC.,

Debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

CASE NO. 17-21818 (ABA)

CASE NO. 17-21820 (ABA)

**MEMORANDUM OF LAW IN
REPLY TO DEBTORS'
OPPOSITION TO MOTION FOR
ADMINISTRATIVE CLAIM**

The Debtors' supplemental opposition makes three points which are either incorrect or not relevant.

First, the Debtors allege "for the first time in this case, on October 26, 2017 . . . Farm Credit East actually asserted a right to an administrative priority claim" and "In the initial confirmation hearing, Farm Credit East did not assert that it was entitled to a super-priority administrative claim." (Debtors' Reply Memo, at 1-2). *This is false*. On September 28, 2017, Farm Credit East filed a Memorandum of Law in Support of Objection to Chapter 12 Plan (DOC # 97) which expressly raised the administrative claim several times, including (1) on page 5, end of first paragraph ("and Farm Credit's administrative claim for lack of adequate protection"), (2) on page 6, first paragraph (1) "whether Farm Credit's claim for lack of adequate protection is an administrative claim"), and (3) on page 11, Section VII ("The Plan Does Not Provide For Farm Credit's

Administrative Claim”). This issue was raised as part of the first confirmation hearing – the Debtors just chose to ignore it.

Second, the \$130,000 is not the equivalent of the decrease in the value of the crop proceeds. Farm Credit provided a breakdown of the math in its initial motion and the Debtors’ response makes no sense.

Finally, the Debtors should not be provided an opportunity for yet another plan when the cash flow projections introduced into evidence clearly show there is no money to pay this claim over time.

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Attorneys for Farm Credit East, ACA

By: /s/ Timothy P. Duggan

TIMOTHY P. DUGGAN

Dated: November 27, 2017